

## **REMARKS**

In an Office Action dated July 21, 2011, all of pending claims 1-15 are rejected. Claims 1, 4, 6, and 10 are rejected on prior art grounds and claims 2, 3, 5, 7-9, and 11-15 are rejected on obviousness grounds. In reply, Applicant herein amends claims 1-15, amends the specification and drawings, and submits the present remarks which, taken in combination, address and overcome the outstanding rejections. The Examiner's various concerns, as expressed in the Office Action, are now addressed in turn.

### **Information Disclosure Statement**

A supplemental IDS is filed herewith. The supplemental IDS provides the dates of the NPL documents previously listed in the February 14, 2007 IDS. No fee is believed to be due at this time because no new references are cited therein.

### **Objections to the Drawings**

Applicant herewith submits new Figure 3 illustrating the dental suction apparatus of Figures 1 and 2 having a pluggable element, a light source, and a mirrored surface, as recited in claims 1-5 and 9. Applicant respectfully asserts that the spherical joint recited in claim 8 is illustrated in Figure 1 and thus, no new drawing is necessary. The sections of the specification amended herein include the reference numbers for the claimed limitations. Applicant respectfully asserts that no new matter is added. Thus, the outstanding drawing objections are overcome; reconsideration and withdrawal thereof is respectfully requested.

### **Rejections under 35 U.S.C. §102**

Claims 1, 4, 6, and 10 are rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,230,622 to Brossoit ("Brossoit" hereinafter). In reply, Applicant submits that the amended claims presented herein include limitations which are neither taught nor suggested by Brossoit. Thus, outstanding novelty rejections may not be maintained.

Turning first to amended independent claim 1, a dental suction apparatus for suctioning fluids and debris from the mouth cavity is recited comprising, *inter alia*, “a mirrored surface disposed on the inner surface of the suction port so that at least part of the mouth cavity can be viewed through the suction port.” Thus, a dental practitioner would use the dental suction apparatus to see the area of the mouth cavity where debris and fluids are being suctioned and the suction power is high enough to clean the desired area. These elements are not found expressly or inherently in the Brossoit reference.

To the contrary, the Brossoit reference teaches a dental suction tip having a mirror attachment 10 releasably mounted to the dental suction tip 14 with a dental suction tip mounting collar 20 formed about the central longitudinal dental suction tip axis 21 (Figs. 2, 3). Col. 2, lines 54-58. The collar 20 is formed as a tubular spring clip 22 split longitudinally, parallel to the tip axis. Col. 2, lines 61-62. Thus, amended claim 1 is patentable over Brossoit.

Applicant further and respectfully notes that by disposing the mirrored surface on the inner surface of the suction port, as recited in amended claim 1, elements are properly suctioned from a patient’s mouth. With this configuration, fluid does not condensate on the mirrored surface because the air flow produced by the intake or suction device is drawn over the surface, resulting in a clear mirror. On the contrary, the Brossoit mirror would lack clarity because moisture from a patient’s mouth and condensation would accumulate without a suction device attached thereto for removing fog or saliva.

Applicant further and respectfully asserts that the Brossoit device is cumbersome and takes up more space because the mirrored surface is separate from the suction device. With this configuration, a dentist would likely encounter problems maneuvering the Brossoit suction device when the mirror is also in a patient’s mouth and when trying to use the device with a patient having a small mouth (i.e., children).

Accordingly, claim 1 is novel over Brossoit; reconsideration and withdrawal of the respective rejection under Section 102(b) is respectfully requested.

As mentioned at the outset, claims 4 and 6 are also rejected as being anticipated by Brossoit. These claims, however, variously depend from novel claim 1 and are thus, correspondingly novel; reconsideration and withdrawal of the respective rejections under Section 102(b) are respectfully requested.

Turning to claim 10, a dental suction apparatus is recited comprising, *inter alia*, a hollow base body with a longitudinal axis that includes an outer surface, an inner surface and a suction port, wherein the base body is configured to be deformable in the longitudinal direction in such a manner that the orientation of the longitudinal axis X-X may be varied. There is no comparable disclosure in Brossoit, nor does the Office Action allege one that discloses the above claimed limitations, particularly a base body being configured to be *deformable in the longitudinal direction in such a manner that the orientation of the longitudinal axis X-X may be varied*.

On the contrary, the Brossoit device includes a disposable suction tip 14 made of plastic or other disposable material. There is no disclosure that the base body would therefore be deformable in the longitudinal direction in such a manner that the orientation of the longitudinal axis X-X may be varied. Thus, claim 10 is patentable over Brossoit. Reconsideration and withdrawal of the respective rejection under Section 102(b) is respectfully requested.

#### Rejections under 35 U.S.C. §103

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of U.S. Patent No. 5,876,384 to Dragan et al. (“Dragan” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the

prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 7 depends from claim 1. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 7. As Dragan fails to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit and Dragan also fails to teach the limitations of claim 7.

For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 7 with respect to the proposed combination of Brossoit and Dragan.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of U.S. Patent No. 5,232,362 to Kanas ("Kanas" hereinafter). Applicant respectfully traverses this rejection.

Applicant's claim 5 depends from claim 1. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 5. As Kanas fails to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit and Kanas also fails to teach the limitations of claim 5. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 5 with respect to the proposed combination of Brossoit and Kanas.

Claims 2, 3, 11, 12, and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of U.S. Patent No. 4,963,142 to Loertscher. ("Loertscher" hereinafter). Applicant respectfully traverses this rejection.

Applicant's claims 2, 3, 11, 12, and 14 depend from claims 1 and 10, respectively. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claims 2, 3, 11, 12, and 14. As Loertscher fails to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit and Loertscher also fails to teach the limitations of claims 2, 3, 11, 12, and 14. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 2, 3, 11, 12, and 14 with respect to the proposed combination of Brossoit and Loertscher.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit. Applicant respectfully traverses this rejection.

Applicant's claim 8 depends from claim 1. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 8. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 8 with respect to Brossoit.

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of U.S. Patent Publication No. 2002/0058230 to Savin et al. ("Savin" hereinafter). Applicant respectfully traverses this rejection.

Applicant's claim 9 depends from claim 1. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 9. As Savin fails to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit and Savin also fails to teach the limitations of claim 9. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 9 with respect to the proposed combination of Brossoit and Savin.

Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of Loertscher and Kanas. Applicant respectfully traverses this rejection.

Applicant's claim 13 depends from claim 10. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 13. As Loertscher and Kanas fail to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit, Loertscher, and Kanas also fails to teach the limitations of claim 13. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 13 with respect to the proposed combination of Brossoit, Loertscher, and Kanas.

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brossoit in view of Loertscher and Savin. Applicant respectfully traverses this rejection.

Applicant's claim 15 depends from claim 10. As such, for at least the reasons set forth in the Section 102 Remarks, Applicant respectfully asserts that Brossoit does not teach every element of claim 15. As Loertscher and Savin fail to remedy the above-discussed deficiencies of Brossoit, Applicant further and respectfully asserts that the proposed combination of Brossoit, Loertscher, and Savin also fails to teach the limitations of claim 15. For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 15 with respect to the proposed combination of Brossoit, Loertscher, and Savin.

Conclusion

Applicant hereby petitions under 37 C.F.R. 1.136 for any extension of time necessary for entry and consideration of the present submission.

Please charge any fees due with respect to this submission, or otherwise, to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Office is invited to contact Applicant's attorneys at below listed telephone number regarding the present submission or otherwise concerning this application for patent.

Respectfully Submitted,

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